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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENTDocket Number (Optional)  
ExpC:EptaRib

In re Application of: Brett

Application No.: 10/613,678

Filed: July 2, 2003

For: Epidural Thermal Posterior Annuloplasty

The owner\*, Expanding Concepts, LLC, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,673,063. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2.  The undersigned is an attorney or agent of record.

October 28, 2005

Signature

Date

Karen Dana Oster 37,621

Typed or printed name

(503) 810-2560

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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